IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 19283 of 2004

Between:

1 Kallam Veeranjaneyulu, S/o. Late Chandraiah,
R/o. Tekulaboru Village, Kunavaram Mandal, Khammam District.
2 Kallam Madhavi Rani, D/o. Late Chandraiah,
R/o. Tekulaboru Village, Kunavaram Mandal, Khammam District.
3 Kallam Basava Kumari, D/o. Late Chandraiah,
R/o. Tekulaboru Village, Kunavaram Mandal, Khammam District.
4 Kallam Sai Chander Rao, S/o. Late Chandraiah,
R/o. Tekulaboru Village, Kunavaram Mandal, Khammam District.

... PETITIONERS

AND

1 The Station House Officer, Kunavaram Police Station, Kunavaram,
Khammam District.
2 The Sub-Collector, Bhadrachalam, Khammam District.
3 The Mandal Revenue Officer, Kunavaram, Khammam District.
4 Telagani Narayanamma, W/o. Late Mamidi Seetaramaiah,
R/o. Kunavaram, Khammam District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue such appropriate Writ order or direction to the respondents more so particularly one in the nature of Mandamus declaring the action of the 1st respondent in interfering with the possession of the petitioners in respect of Ac:4-90 cents out of AC 6-05 cents in Sy.No. 167 of Kunavaram Village & Mandal, Khammam District in spite of status quo order o this Hon'ble Court dt.8-9-2003 in CRP No. 3520/2003 and when in all the revenue records the names of the petitioners are recorded as possessors of the same, on the basis of the order of the 2nd respondent dt. 11-10-2004 in Rc.No. C/1139/2004 which is without jurisdiction apart from violation of principles of natural justice, and of the 2nd respondent in passing the order dt.11-10-2004 in Rc.No. C/1139/2004 are arbitrary, illegal and without jurisdiction apart from violation of principles of natural justice.

Counsel for the Petitioners: MR.HARI SREEDHAR
Counsel for Respondents 2 & 3: GP FOR REVENUE

The Court, at the stage of admission, made the following order:

ORDER:

The petitioners filed O.S.No.153 of 2003 on the file of the Sub-Divisional Magistrate (Mobile Court), Bhadrachalam for a decree of perpetual injunction along with an application I.A.No.16 of 2003 for temporary injunction. The Court below granted temporary injunction by order dated 22.07.2003. Aggrieved by the same, fourth respondent and another filed CRP.No.3520 of 2003 wherein this Court by order dated 08.09.2003 ordered to maintain *status quo* and the CRP is still pending. Now, in this writ petition complaining that in spite of the *Status quo* order granted in favour of the fourth respondent herein, who filed the revision against the injunction granted by the trial Court, the fourth respondent made a representation to the Sub-Collector, Bhadrachalam, who by order dated 11.10.2004, after calling a report from the Mandal Revenue Officer wherein it was stated that as on the date of *status quo* order the fourth respondent is in possession of the land in question, ordered police protection in favour of the fourth respondent. Questioning the same the present writ petition is filed.

If the petitioners are aggrieved by the order dated 11.10.2004 and if they are in possession of the land in question as on the date of status quo order granted in CRP.No.3520 of 2003 dated 08.09.2003, it is open for them to obtain necessary order in the above CRP. In view of the same the writ petition cannot be entertained.

The writ petition is accordingly dismissed. No costs.

A. GOPAL REDDY, J

October 26, 2004

Note: Copy in two days

(B/o)

Dsk/Tsr

To

1 The Station House Officer, Kunavaram Police Station, Kunavaram, Khammam District.
2 The Sub-Collector, Bhadrachalam, Khammam District.
3 The Mandal Revenue Officer, Kunavaram, Khammam District.

4. Two C.Cs. to G.P. for Revenue, High Court Buildings, Hyderabad (OUT)

5. Two C.D. copies.